

GOVERNMENTAL OPERATIONS

Agency 100

Office of Attorney General

Recommendation Summary

Dollars in Thousands

	Annual FTEs	General Fund State	Other Funds	Total Funds
2003-05 Expenditure Authority	1,088.5	8,589	177,172	185,761
Total Maintenance Level	1,085.9	8,599	185,540	194,139
Difference	(2.7)	10	8,368	8,378
Percent Change from Current Biennium	(0.2)%	0.1%	4.7%	4.5%
Performance Changes				
Palermo Well Field	3.0		500	500
Fulfill Forest and Fish Commitments	1.0		204	204
Livestock Nutrient Program	.5		100	100
Implementation of Initiative 297	3.5		1,008	1,008
Middle Management Reduction	(4.9)	(39)	(485)	(524)
Office Relocation in Seattle		126	716	842
Estate Recoveries	2.0		600	600
General Inflation		(28)	(647)	(675)
DSHS Litigation Costs	4.0		1,950	1,950
Property and Estate Taxes	2.0		391	391
Public Counsel Legal Services			80	80
Office Consolidation in Tumwater			1,418	1,418
Executive Ethics Board	1.5		203	203
Subtotal	12.7	59	6,038	6,097
Total Proposed Budget	1,098.5	8,658	191,578	200,236
Difference	10.0	69	14,406	14,475
Percent Change from Current Biennium	0.9%	0.8%	8.1%	7.8%
Total Proposed Budget by Activity				
Administrative Activity	130.5		29,623	29,623
Civil Commitment of Sexually Violent Predators	13.7		3,286	3,286
Criminal Investigation and Prosecution	5.7	818	421	1,239
Enforcement of Anti-Trust Laws	12.8		2,724	2,724
Enforcement of Consumer Protection Laws	49.6	7,099	1,295	8,394
Executive Ethics Board	4.7		904	904
Homicide Investigation Tracking System	9.3		1,618	1,618
Investigation and Defense of Tort Lawsuits			905	905
Investigation and Prosecution of Medicaid Fraud and Resident Abuse	22.0	600	3,054	3,654
Legal Services to State Agencies	855.1		143,654	143,654
Compensation Cost Adjustment		180	4,579	4,759
Middle Management Reduction	(4.9)	(39)	(485)	(524)
Total Proposed Budget	1,098.5	8,658	191,578	200,236

PERFORMANCE LEVEL CHANGE DESCRIPTIONS**Palermo Well Field**

Funding is provided for legal and technical services in preparation of legal actions by the Environmental Protection Agency involving the Department of Transportation's share of costs to mitigate and clean up solvents that leached into the city of Tumwater water supply at the Palermo well field. (Legal Services Revolving Account)

Fulfill Forest and Fish Commitments

In 1999, the Legislature adopted the Forests and Fish Report, a science-based plan for protecting water quality and fish habitat in non-federal forest land in Washington State. Since that time, the Department of Natural Resources (DNR) has been developing a habitat conservation plan (HCP) in order to obtain federal assurances under the Endangered Species Act (ESA) that the state's regulatory approach to forest practices meets all ESA and Clean Water Act requirements. Without such assurances, individual landowners would need to work with federal agencies on a case-by-case basis to ensure compliance. In addition to other DNR activities, legal resources will be dedicated to overseeing implementation of the HCP and defending it against anticipated legal challenges. (Legal Services Revolving Account)

Livestock Nutrient Program

Legislation enacted in 2003 transferred the state's livestock nutrient management program from the Department of Ecology to the Department of Agriculture. Attorney General costs have been higher than anticipated at the time of the transfer. Funding is provided to cover these additional legal costs. (Legal Services Revolving Account)

Implementation of Initiative 297

The Cleanup Priority Act (Initiative 297) was passed by the voters in November 2004. This act impacts waste disposal and cleanup efforts at the Hanford Nuclear Reservation. It requires the Department of Ecology to order cessation of radioactive waste disposal in unlined trenches; implement additional permitting requirements; establish enhanced public participation; and adopt additional cleanup standards for radioactive waste. Legal counsel is necessary to perform these actions and prepare for potential litigation. (Legal Services Revolving Account)

Middle Management Reduction

The Governor has directed that middle management be reduced by 1,000 positions by the end of the biennium. This item is this agency's share of the statewide amount.

Office Relocation in Seattle

One-time funding is provided for moving costs of the Seattle offices. The reduction in cost per square foot for the new office space is anticipated to result in annual savings of over \$1 million, beginning in the 2007-09 Biennium. (General Fund-State, Legal Services Revolving Account)

Estate Recoveries

The Department of Social and Health Services will increase Medicaid estate recoveries, resulting in increased revenue of \$10 million. The department anticipates increased legal challenges to estate recovery. (Legal Services Revolving Account)

DSHS Litigation Costs

The Department of Social and Health Services (DSHS) is experiencing increased costs of litigation support for complex, protracted program litigation, including expert witnesses, document management services, and special assistant attorneys general contracts. (Legal Services Revolving Account)

Property and Estate Taxes

The decoupling of the state's estate tax from the federal estate tax is resulting in numerous disputes regarding state estate tax liability and valuations. These major legal challenges to the Department of Revenue's collections require additional legal services to protect state revenues. (Legal Services Revolving Account)

Public Counsel Legal Services

Involvement by the Public Counsel in regulated utility matters before the Washington State Utilities and Transportation Commission will be enhanced by an additional capability for analysis and the testimony of expert witnesses. (Legal Services Revolving Account)

Office Consolidation in Tumwater

Offices in four different locations in Olympia and Lacey will consolidate into one location in Tumwater. Two of the old buildings currently used would require major repairs, and lease costs in the new building are estimated to be less than in the old buildings. The offices will move in two phases, in December 2005 and December 2006. Tenant improvements and moving expenses are one-time costs. (Legal Services Revolving Account)

GOVERNMENTAL OPERATIONS

Executive Ethics Board

Additional staff are added to the Executive Ethics Board to eliminate the current backlog and to respond to the increasing numbers of complaints and investigations. (Legal Services Revolving Account)

ACTIVITY DESCRIPTIONS

Administrative Activity

The administrative function of the Office of the Attorney General, include the Attorney General's office, deputies and administrative support, and fiscal, human resources, and facilities staff.

Civil Commitment of Sexually Violent Predators

This unit is responsible for investigating, filing, and prosecuting all sexually violent predator cases in 38 of the 39 counties in Washington. The unit was created to enhance public protection by developing and maintaining a group of highly trained and experienced attorneys and support staff who have expertise in those unique legal and mental health issues associated with sexually violent predator cases. The highly specialized Sexually Violent Predator Unit (SVPU) uses its expertise to efficiently and effectively prosecute sexually violent predator cases. The unit handles all aspects of each sexually violent predator case referred to it. This includes pre-filing investigation, consultation with mental health experts, and records review; pre-trial discovery, motions, and evidentiary hearings; trial; appeals; and annual review and less restrictive alternative proceedings. Especially challenging is the need to locate witnesses to sexual assaults that happened several years ago and convince them to testify in the commitment proceedings.

Criminal Investigation and Prosecution

The staff of this unit investigates and/or brings charges upon request of the Governor, a prosecuting attorney, or a legislative committee, against those who have violated criminal statutes. Typically, this unit assists local criminal justice agencies when there is a conflict that prevents them from moving forward, or requires the assistance of the experienced investigators and prosecutors that staff this unit. Examples are the investigations of serial killings in Pacific County, the prosecution of a defendant who shot a Washington State trooper in the Tri-Cities area, and a defendant who killed a young mother in Wenatchee. Cases include governmental corruption, white-collar crimes having a multi-county or statewide impact, organized crime, and other cases with special circumstances. Staff also provides training to criminal justice professionals through the Washington State Criminal Justice Training Commission. In addition, staff may respond to several hundred informal requests for assistance.

Enforcement of Anti-Trust Laws

The Antitrust Division of the Office of the Attorney General enforces state and federal antitrust laws against such practices as monopolization, price-fixing and anticompetitive mergers. Working alone or with other states or federal agencies, the division has litigated against major corporations such as oil companies, drug companies, music compact disc manufacturers and vitamins manufacturers. Such litigation efforts are time-consuming and expensive. The division also responds to consumer complaints and inquiries, advises state agencies when necessary, and provides educational outreach to local business and consumer groups. In the 2001-03 Biennium, the division filed and settled cases for consumer restitution, state agencies' damages recoveries, civil penalties and costs and fees totaling \$33,395,574. Additionally, the historic tobacco settlement was one of the Antitrust Division's cases; during the 2001-03 Biennium, total tobacco money scheduled to go into the General Fund was \$310 million. Although amounts of recoveries are unpredictable, the division prioritizes cases in which damages to consumers or state agencies are significant, or when egregious behavior must be stopped. Although consumer, educational, and outreach services do not provide any source of funding, and thus, require the division to incur a net loss on those programs, the importance to the community demands that they be continued. In the litigation context, the division always requests that defendants reimburse costs and attorneys fees if matters are successfully resolved.

Enforcement of Consumer Protection Laws

The Attorney General's staff enforces state laws, recommends changes in existing state law, and provides education to protect consumers and legitimate businesses from unfair or deceptive trade practices. In addition to investigations and litigation, the Office provides extensive information to consumers and businesses, and conciliates consumer/business disputes. The Office recovers restitution and civil penalties for the state and for individual consumers by processing complaints and litigation, most frequently involving mail order, motor vehicle purchase and repair, retail operations, home improvement, mobile homes, real estate, and collections. Under Washington State's Lemon Law, the Office processes and provides arbitration of consumers' complaints concerning new automobiles.

Executive Ethics Board

The Executive Ethics Board is a regulatory board responsible for addressing violations of the State Ethics in Public Service Act. It also promotes and supports ethical awareness and principled action through knowledge and understanding of this law. The Board fulfills its mission under specific statutory mandates that include: developing educational materials and training; adopting rules and policies; issuing informal advice and formal advisory opinions; investigating and resolving allegations of misconduct through an adjudicative process; reviewing certain contracts between state agencies and state officers and employees; and reviewing agency policies. The Board and its staff conducts ongoing training and educational workshops as well as teaching individualized agency training sessions. It responds to complaints through fair and impartial investigation, settlement, and hearing if settlement cannot be reached. While the Board is an independent body, the Office of the Attorney General provides its Board staff and its legal representation through two different divisions, one that provides a legal advisor and another that provides a prosecutor for the Board's regulatory actions. Currently, the Board staff consists of an executive director, investigator, and a training and information specialist.

Homicide Investigation Tracking System

The Homicide Investigation Tracking System (HITS) is a program in the Office of the Attorney General that consists of two functions related to public protection. It is the only statewide central repository for information relating to violent crimes against persons and is extensively used by local law enforcement officers to link offenses and offenders across jurisdictions. Data from more than 7,550 murder cases and 7,760 sexual assault cases have been collected in HITS. In a typical year, HITS responds to almost 800 requests for assistance or information by law enforcement officers. The investigators who work in HITS also provide expertise to local and national jurisdictions on homicide and rape investigations, which is especially beneficial in smaller jurisdictions. In 2002, the HITS Unit assisted on such notorious cases as the Robert Yates serial killings, the Washington (D.C.) sniper cases, and the Robert Pickton (aka "Pig Farmer") serial killings in British Columbia, Canada.

Investigation and Defense of Tort Lawsuits

The Office of the Attorney General defends tort lawsuits brought against the state, its agencies, and employees. The majority of cases are based upon actions brought under theories of negligence in such matters as highway design, release of inmates, accidents on state property, medical malpractice, child care and custody, auto accidents, false arrests, and unreasonable force cases. Staff also handles employment law and personnel cases.

Investigation and Prosecution of Medicaid Fraud and Resident Abuse

The Medicaid Fraud Control Unit is federally mandated and required to investigate and prosecute crimes of fraud and resident abuse committed by Medicaid providers. The Medicaid Fraud Control Unit is the only criminal justice agency that is devoted to safeguarding the \$3.8 billion state Medicaid budget. The unit works with and serves agencies that include: the Department of Social and Health Services-Division of Medical Assistance, Department of Health, and Department of Licensing. The unit is 75 percent federally funded. Because of the "network" established and maintained by the unit, the reporting agency or individuals are more expeditiously put in contact with the appropriate investigative body, thus, leading to greater public protection and solvability of these crimes.

Legal Services to State Agencies

The Office of the Attorney General provides legal advice and representation to over 230 state agencies, boards, and commissions, which collectively have a broad range of program responsibility. In addition to representing agencies in litigation, the office provides legal advice on issues such as personnel, contracts, public records, and specialized program advice. Some program responsibilities supported by the office include state and federal benefit programs administered by state agencies, state licensing and regulatory programs, state agency custodial programs, higher education institutions, natural resources programs, state agency capital construction and equipment acquisitions, state agency revenue and collection programs, and economic development and enterprise activities.

Compensation Cost Adjustment

This item reflects proposed compensation and benefit cost adjustments that were not allocated to individual agency activities. The agency will assign these costs to the proper activities after the budget is enacted.

Middle Management Reduction

The Governor has directed that middle management be reduced by 1,000 positions by the end of the biennium. This item is this agency's share of the statewide amount. These savings will be assigned to the appropriate activities after the budget is enacted.